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10/091,065	03/04/2002	Anders Vinberg	063170.7028	8010

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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2152	

NOTIFICATION DATE	DELIVERY MODE
10/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/091,065	VINBERG, ANDERS	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11 and 13-32* is/are pending in the application.

4a) Of the above claim(s) *21-30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-9,11, 13-20 and 31-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/9/07,8/14/07,8/29/07,9/21/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on July 24, 2007.

2. Claims 1, 3-9, 11, 13-20 and 31-32 are presented for examination, claims 21-30 are withdrawn from consideration, and claims 2, 10 and 12 are canceled.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

4. Claim 9 is objected to because according to MPEP 608.01, antecedent basis for the terms appearing in the claims, while an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. Applicant will be required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced. The term "management application *module*" is lacking clear support or antecedent basis in the description of the specification. Pages 4-5 and element 115 of figure 1b merely disclosed management application 115, rather than management application *module*.

Claim Rejections – 35 USC 101

5. Claim 9 is rejected under 35 U.S.C. 101 because "A system" comprising module (i.e., software program) does not include any functional structure of a system (i.e., apparatus). A system comprising module (i.e., software program) is considered as program per se, which is not one of the categories of statutory subject matter.

Claim Rejections – 35 USC 103

6. Claims 1, 3-5, 9, 11 and 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, U.S. Patent 6,125,390 (hereinafter Touboul) and Dev et al, U.S. Patent 6,049,828 (hereinafter Dev) in view of Jacobs, U.S. Patent 5,761,502 (hereinafter Jacobs).

7. Touboul, Dev, and Jacobs were cited in the last office action.

8. As per claims 1 and 11, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

9. Touboul did not teach receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data. Dev taught receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data for the subject system object (col. 8, lines 31-37; col. 15, lines 12-29); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a user input requesting a machine response that form a "conversation")

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev's teaching of a user-generated dialogue request would make it easier for user in Touboul's system to request more information regarding an alarm condition.

11. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and identifying, from the group of system objects, a relevant

system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs's teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

13. As per claim 9, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

a management application module (fig. 1) comprising:

means for reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

means for analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

means for generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

means for outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

14. Touboul did not teach means for receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data. Dev taught means for receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data for the subject system object (col. 8, lines 31-37; col. 15, lines 12-29); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a user input requesting a machine response that form a "conversation")

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev's teaching of a user-generated dialogue request would make it easier for user in Touboul's system to request more information regarding an alarm condition.

16. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and means for accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); means for accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and means for identifying, from the group of system objects, a relevant system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs's teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

18. As per claims 3 and 13, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein the analyzing includes determining properties of the subject system object (col. 7, lines 40-49).

19. As per claims 4 and 14, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein analyzing includes determining a physical location of a component represented by the subject system object (col. 4, lines 39-44).

20. As per claims 5 and 15, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Jacobs further taught wherein analyzing includes determining a logical relationship of a component represented by the subject system object to a component represented by the relevant system object (col. 13, lines 8-63; col. 14, lines 38-52).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev and Jacobs for the same reason set forth in claim 1 above.

22. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Cox, U.S. Patent 6,011,838 (hereinafter Cox).

23. Cox was cited in the last office action.

24. As per claims 6 and 16, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not teach determining a traffic load associated with the subject system object. Cox taught determining a traffic load associated with a system object (col. 3, lines 30-50).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Cox because Cox's teaching of determining a traffic load would increase the efficiency of Touboul's, Dev's and Jacobs's systems by minimize the amount of failure cause by overloading a system object (col. 1, lines 11-15).

26. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Grace, U.S. Patent 5,748,098 (hereinafter Grace).

27. Grace was cited in the last office action.

28. As per claims 7 and 17, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not explicit teach a component that is dependent on a component represented by the subject system object. Grace taught wherein the relevant system object representing a component that is dependent on a component represented by the subject system object (col. 1, lines 40-56; col. 3, lines 5-15).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Grace because Grace's teaching of relevant system object representing a component that is dependent on a component represented by the subject system object would increase efficiency of Touboul's, Dev's and Jacobs's systems by avoiding time wasted on investigating the sources of all the alert condition associated with dependent resources (col. 1, lines 40-56).

30. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Nishida, U.S. Patent 5,440,688 (hereinafter Nishida).

31. Nishida was cited in the last office action.

32. As per claims 8 and 18, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not teach wherein generating includes replacing quantifiable context data with a qualitative identifier. Nishida taught a similar invention wherein generating includes replacing quantifiable context data with a qualitative identifier (col. 3, lines 29-40).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Nishida because Nishida's teaching of replacing quantifiable context data with a qualitative identifier would increase the user alertness in Touboul's, Dev's and Jacobs's systems by allowing alarm with critical level being at the highest in the range of emergencies demanding immediate attention by the network management personnel (col. 3, lines 36-38).

34. Claims 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Fanshier et al, U.S. Patent 5,933,601 (hereinafter Fanshier).

35. Fanshier was cited in the last office action

36. As per claims 19 and 31, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not specifically detailing the relevant system object represents a sub-component of the subject system object. Fanshier taught

wherein the relevant system object represents a component that is a sub-component of a component represented by the subject system (fig. 3; col. 5, lines 15-41).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Fanshier because Fanshier's teaching of the relevant system object represents a component that is a sub-component of a component represented by the subject system would increase the alertness of Touboul's, Dev's and Jacobs's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

38. As per claims 20 and 32, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not specifically detailing the relevant system object represents a grouping with the subject system object. Fanshier taught wherein the relevant system object represents a component that is in a grouping with a component represented by the subject system object (fig. 3; col. 5, lines 15-41).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Fanshier because Fanshier's teaching of the relevant system object represents a component that is in a grouping with a component represented by the subject system object would increase the alertness of Touboul's, Dev's and Jacobs's systems by providing the relationship of components using an object-based

presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

40. Applicant's arguments filed 07/24/07 have been fully considered but they are not persuasive.

41. In the remarks, applicant argued that:

(1) "a management application module" provides structure of a system, hence it is statutory subject matter under 101.

(2) Touboul-Jacobs-Dev combination does not teach "receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data for the subject system object and one or more relevant system objects known to be associated with the subject system object"

(3) No motivation, either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of the invention to make the proposed combination of Touboul, Dev and Jacobs.

(4) The Touboul and Jacobs references are non-analogous.

(5) No motivation, either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of the invention to make the proposed combination of Touboul, Dev, Jacobs and Cox.

(6) The combination of Touboul, Dev, Jacobs and Cox is improper because the references are non-analogous.

42. In response to point (1), "A management application module" giving its broadest interpretation includes a management application software module. Furthermore, the cited portion of the specification (element 115 of figure 1b) merely disclosed "a management application 115", which can be also interpreted as a software application. A system comprising module or application (i.e., software) is still considered as program per se, which is not one of the categories of statutory subject matter. Accordingly, the rejection is maintained.

43. In response to point (2), Dev teaches receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data for the subject system object (col. 8, lines 31-37; col. 15, lines 12-29) (dialogue request is interpreted as a user input requesting a machine response that form a "conversation"). Dev teaches the limitation as claimed except context data for one or more relevant system objects known to be associated with the subject system object. Jacobs teaches context data for subject system object and one or more relevant system objects known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6). Evidently, the combination of Touboul-Jacobs-Dev combination does teach "receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data for the subject system object and one or more relevant system objects known to be associated with the subject system object".

44. In response to point (3), in the office action mailed on 5/2/07, page 4, paragraph 11 and page 5, paragraph 13, motivations for combining the references of Touboul, Dev and Jacobs were provided. The cited paragraphs of the office action states: "It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev's teaching of a user-generated dialogue request would make it easier for user in Touboul's system to request more information regarding an alarm condition." "It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs's teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65)."

45. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Jacobs's system provides management personnel with an integrated view of the current state of the network, that correlates related network events, and that recommends corrective action (col. 2, lines 29-65). Thus, one of ordinary skill in the art knows Dev's system provide user with more information regarding an alert message simply by pressing an appropriate button on the window display, thus making it easier for user to request information

on the alarm condition. In addition, one of ordinary skill in the art knows the management personnel's readiness to respond would increase with views of the current state of changes in a network, increasing the alertness of management personnel in the system.

46. In response to point (4), applicant's argument that Jacobs is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Touboul and Jacobs are directed to the same field, monitoring and reporting events in a network (see Touboul, col. 2, lines 26-29; see Jacobs, col. 5, lines 10-18; col. 9, lines 6-23).

47. In response to point (5), motivation for combining Touboul, Dev and Jacobs is stated in response to point (2) above. In addition, in the office action mailed on 5/2/07, page 6, paragraph 21, motivation for combining the references of Touboul, Dev, Jacobs and Cox was provided. " It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Cox because Cox's teaching of determining a traffic load would increase the efficiency of Touboul's, Dev's and Jacobs's systems by minimize the amount of failure cause by overloading a system object (col. 1, lines 11-15)."

48. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would know that overloading of a system object can be avoided by determining a traffic load associated with the system object. Accordingly, system failure caused by overloading is avoid, increasing the efficiency of the system.

49. In response to point (6), applicant's argument that Cox is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Cox's system pertinent to the problem of reporting the traffic load of a network condition which is a problem that the applicant was concerned (i.e. reporting of context of a condition).

50. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER
9/26/7